

4/20/15

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Chapter No. 469  
15/HR26/R1280SG  
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## ***HOUSE BILL NO. 836***

Originated in House



Clerk

HOUSE BILL NO. 836

AN ACT TO REQUIRE STATE AGENCIES THAT PROVIDE SERVICES AND SUPPORT TO PERSONS WITH DISABILITIES TO CONSIDER, AS THEIR FIRST OPTION, COMPETITIVE EMPLOYMENT IN AN INTEGRATED SETTING FOR PERSONS WITH DISABILITIES; TO REQUIRE ALL STATE AGENCIES TO FOLLOW THIS POLICY FOR EMPLOYMENT BY COORDINATING ALL COLLABORATING EFFORTS AMONG AGENCIES; TO AUTHORIZE STATE AGENCIES TO ADOPT RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS ACT; TO REQUIRE THE DISABILITY RESOURCE COMMISSION TO REVIEW MEASURABLE GOALS AND OBJECTIVES AS SUBMITTED TO IT BY EACH RELEVANT STATE AGENCY TO ENSURE IMPLEMENTATION OF THIS ACT; TO PROVIDE REPORTING REQUIREMENTS FOR STATE AGENCIES; TO AMEND SECTION 43-30-1, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The Mississippi Legislature finds that the benefits of meaningful work have significance and importance to all working-age persons, including persons with disabilities. In order to achieve meaningful and competitive employment for persons with disabilities, employment opportunities in fully integrated work settings shall be, to the extent practicable, the first and priority option explored in planning and providing services and supports for working-age persons with disabilities.

**SECTION 2.** As used in this act, the following words shall have the following meaning, unless the context otherwise requires:

(a) "Competitive employment" means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting and for which a person with a disability is compensated in a manner consistent with applicable wage-and-hour laws. Pay shall be comparable to the customary wage and level of benefits paid by the employer for the same or similar work performed by persons without disabilities.

(b) "Disability" means, with respect to a person, a physical or mental impairment that substantially limits one or more major life activities of such person as defined in the Americans with Disabilities Act of 1990, as amended. A "disability" does not include brief periods of intoxication caused by alcohol or drugs or dependence upon or addiction to any alcohol or drugs.

(c) "Integrated setting" means a setting typically found in the community in which persons with disabilities interact with persons without disabilities (other than disability service providers) to a comparable extent that persons without disabilities in comparable positions interact with other persons.

(d) "Working age" means fourteen (14) years of age or older in accordance with Section 71-1-17.

**SECTION 3.** It is declared to be the policy of this state that competitive employment in an integrated setting shall be, to

the extent practicable, considered the first and priority option when planning or providing services and supports to persons with disabilities who are of working age. All state agencies that provide services and support to persons with disabilities, and/or employment-related services, shall, using available resources, follow this policy and ensure that it is effectively implemented in their programs and services; however, nothing in this act shall supersede any agency's ability to fulfill the agency's duties and requirements mandated by federal statutes. Nothing in this act shall be construed to limit or disallow any disability benefits to which a person with a disability who is unable to be employed as contemplated by this act would otherwise be entitled. Nothing in this act shall be construed to require any state agency or other employer to give preference to hiring persons with disabilities or to prohibit any employment relationship or program that is otherwise permitted under applicable law. Any person with a disability who is employed by a state agency must meet the minimum qualifications and requirements for the position in which the person is employed.

**SECTION 4.** (1) All state agencies that provide services to persons with disabilities and/or employment services shall coordinate efforts and shall collaborate within and among such agencies to ensure that state programs, policies, procedures and funding support competitive employment in integrated settings for persons with disabilities who are of working age. All such state

agencies shall, whenever feasible, share data and information across systems in order to track progress toward full implementation of this act. All such state agencies are encouraged to adopt measurable goals and objectives to promote assessment of progress in implementing this act.

(2) State agencies are authorized to adopt rules and regulations to implement this act.

**SECTION 5.** The Disability Resource Commission as described in Section 43-30-1 is directed to provide the monitoring and oversight of the implementation of Sections 1 through 4 of this act by state agencies.

**SECTION 6.** Section 43-30-1, Mississippi Code of 1972, is amended as follows:

43-30-1. (1) There is established the Mississippi Disability Resource Commission. The function of the commission is to:

(a) Assimilate and provide current information to persons who need health, special education or disability information or services;

(b) Refer those persons to the appropriate agencies to receive needed information or services;

(c) Facilitate coordination of services provided by agencies for the maximum benefit of persons who need health, special education or disability services;

(d) Be a comprehensive clearinghouse of information and single point of contact for people with disabilities related to potential service programs; \* \* \*

(e) Otherwise assist persons who need health, special education or disability services in obtaining information and services \* \* \*; and

(f) Monitor and provide oversight of the implementation of Sections 1 through 4 of this act by state agencies.

(2) The powers and duties of the Mississippi Disability Resource Commission shall include, but are not limited to, or provided in any priority order, the following:

(a) To collect and analyze health, special education and disability-related data for use by state agencies, universities and colleges, organizations and private citizens;

(b) To advise the Governor, the Legislature, the Mississippi congressional delegation, state agencies, the business community, other public and private groups and the general public on health, special education and disability issues and concerns, and to make recommendations to address those identified matters, with emphasis on increasing opportunities for independence and employment;

(c) To coordinate and conduct public relations activities, including establishment of a permanent, statewide toll-free phone line for people with disabilities seeking access to services and programs, to promote the skills and capabilities

of persons needing health, special education or disability services; \* \* \*

(d) To submit an annual report to the Governor and to the Legislature with recommendations to address the needs of persons in Mississippi needing health, special education or disability services, and other pertinent data regarding health, special education or disability issues \* \* \*;

(e) Build on the work of the Mississippi Partnerships in Employment Project, identify state agency policies and procedures that create barriers and disincentives for employment of persons with disabilities, and develop recommendations to reduce or eliminate those barriers and disincentives to better meet the needs of persons who desire employment;

(f) Identify best practices, effective partnerships, sources of available state and federal funds, and opportunities for shared services among existing state agencies to increase integrated and competitive employment opportunities for Mississippians with disabilities;

(g) Review and comment on proposed legislation that may affect the employment of persons with disabilities and consider recommendations of federal agencies and other organizations that promote the employment of persons with disabilities;

(h) Request that measurable goals and objectives be submitted to it by each relevant state agency to ensure implementation of this act. The commission shall establish the

time frames for submissions by state agencies and track their measurable progress in implementing this act. All state agencies shall fully cooperate with and provide data and information to assist the commission in carrying out its duties; and

(i) Prepare an annual report to the Governor and members of the Legislature. The report shall detail progress toward the goals and objectives and full implementation of this act. All state agencies shall cooperate with the commission on the creation and dissemination of the report. The report also shall identify barriers for achieving the outcomes along with the effective strategies and policies that can help realize the goals of this act.

(3) The membership of the commission shall consist of \* \* \* fourteen (14) members as follows:

(a) The Executive Director of the State Department of Rehabilitation Services, or his or her designee;

(b) The Executive Director of the State Department of Mental Health, or his or her designee;

(c) The Executive Officer of the State Department of Health, or his or her designee;

(d) The State Superintendent of Public Education, or his or her designee;

(e) The Executive Director of the Division of Medicaid, or his or her designee;



(f) The Executive Director of the Department of \* \* \* Employment Security, or his or her designee; \* \* \*

(g) The Executive Director of the Mississippi Industries for the Blind; and

( \* \* \*h) Three (3) appointments by the Governor and two (2) appointments each by the Lieutenant Governor and Speaker of the House of Representatives.

Each of the appointments referenced in paragraph ( \* \* \*h) of this subsection shall be a person with a disability, a representative of a disability advocacy group, or the parent of a person with a disability. Of these appointments, there shall be no more than one (1) appointment from the same consumer organization or advocacy group during the same term of appointment.

(4) Members appointed by the Governor, Lieutenant Governor and Speaker of the House shall serve for terms that run concurrently with the terms of office of the appointing officials. An appointment to fill a vacancy, other than by expiration of a term of office, shall be made for the balance of the unexpired term. All appointments required by this section shall be made no later than August 1, 2015.

(5) The members of the commission shall elect from their membership the chairperson and vice chairperson of the commission. The chairperson and vice chairperson shall be a member appointed under subsection (3)( \* \* \*h) of this section and a member from a

state agency referenced in subsection (3)(a) through ( \* \* \*g) of this section. The chairperson and vice chairperson shall serve for terms of one (1) year beginning on July 1 of each year, except that the terms of the first chairperson and vice chairperson shall begin on the date of their election to those positions. Each year at the expiration of the terms of the chairperson and vice chairperson, the vice chairperson during the preceding year shall serve as chairperson for the next year, and a new vice chairperson shall be elected according to the terms set forth in this subsection.

(6) The commission shall meet at least quarterly and hold other meetings as are necessary for the purpose of conducting required business, not exceeding six (6) meetings in any one (1) fiscal year. If funds are available for that purpose, the appointed members of the commission may be paid per diem and travel expenses in accordance with the provisions of Sections 25-3-69 and 25-3-41. The commission shall convene to begin work no later than September 1, 2015.

(7) The Mississippi Disability Resource Commission may receive and expend any monies appropriated by the Legislature, apply for and utilize grants, and receive gifts or any other appropriate source of funds to carry out the duties of office.

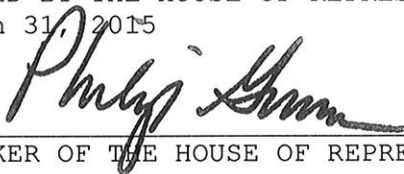
**SECTION 7.** (1) Nothing in this act shall be interpreted to prohibit the appropriate use of programs known as center-based employment, employment centers, skill development centers,

vocational rehabilitation centers, and/or other employment options.

(2) Nothing in this act shall be interpreted to require the expenditure of funds on any particular program or at any particular level or to grant any person or organization a judicially enforceable right or cause of action.

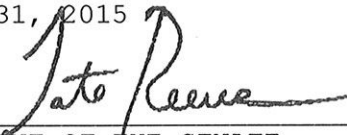
**SECTION 8.** This act shall take effect and be in force from and after July 1, 2015.

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 31, 2015



SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 31, 2015



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

4/20/15  
5:10 pm